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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,999	10/24/2001	Derek K. Gauger	GDK-100-B	9338

7590 02/04/2005

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EXAMINER

THAI, CANG G

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/039,999	GAUGER, DEREK K.	
	Examiner	Art Unit	
	Cang G. Thai	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on October 24, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

This application is claiming the benefit of a prior filed non-provisional application under 35 U.S.C. 120, 121, or 365(c). Copendency between the current application and the prior application is required.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-35 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two prong test of:

1. whether the invention is within the technological arts; and
2. whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere idea in the abstract (i.e. abstract ideas, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e. physical sciences as opposed to social sciences for example), and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, use or advance the technological arts.

In the present case, Claim 1 is directed to "an interactive computer method for monitoring a project, the method comprising the steps of:

Art Unit: 3629

defining authorized individuals who have access to an interactive computer system providing data interchange;

opening a collaboration center for authorized individuals;

allowing access to the collaboration center by the authorized individual;

defining one of a collaboration purpose and deadline; and

accepting input information from authorized individuals relating to the collaboration."

In the present case, Claim 1 does not require any technology. The recited steps of network based, interactive project management does not apply, involve, use, or advance the technological arts since all of the recited steps can be done with no technology at all. The recited steps only constitute an idea of network based, interactive project management.

Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful (specific utility), concrete (repeatability and/or implementation without undue experimentation), and tangible (a real or actual affect) result.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claims 1-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 3629

Claim 1 recites "computer". The preamble mentions the term "computer", which normally means "a programmable electronic device that can store, retrieve, and process data", but there is no step of "process data" of the entity. Is the step of "defining authorized individuals" is being done automatically or manually by individuals? It is not clear on the relationship steps of "opening a collaboration center" and "allowing access to the collaboration". It appears that they should be related, but not positive language showing the relationship has been shown. How are the authorized individuals collaborate through an interactive computer system in step a?

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-40 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent No. 6,295,513 (THACKSTON).

As for Claim 1, THACKSTON discloses an interactive computer method for monitoring a project, the method comprising the steps of:

defining authorized individuals who have access to an interactive computer system providing data interchange {Columns 1-2, Lines 64-65 & 1-2, wherein this reads over "a series of teams, comprising one or more members, are assembled to evaluate

Art Unit: 3629

the design according to their various engineering business and management specialties”};

opening a collaboration center for authorized individuals {Column 2, Lines 10-13, wherein this reads over “there will be mechanical engineers, electrical engineers, RF engineers, acoustic specialists, reliability engineers, safety engineers, signal processing specialists, production engineers an so on”};

allowing access to the collaboration center by the authorized individual {Column 2, Lines 14-16, wherein this reads over “each of these teams will evaluate the design (three dimensional model and associated specifications) to determine conformance with requirements”};

defining one of a collaboration purpose and deadline {Column 2, lines 17-21, wherein this reads over “teams will recommend changes to the design to rectify deficiencies or improve performance. The design will evolve (as depicted in FIG. 1, from Design 1, Design 2, and so on to final Design n) as changes are recommended and implemented”}; and

accepting input information from authorized individuals relating to the collaboration “Column 2, Lines 24-25, wherein this reads over “when one team implements changes based on its analysis, other teams may have to redo their analysis as a result”}.

As for claim 2, THACKSTON discloses the method of claim 1 further comprising the steps of:

Art Unit: 3629

allowing all authorized individuals to perform one of, review, submit, author, and change data and to interact with other authorized individuals in the collaboration center {Column 2, Lines 26-29, wherein this reads over “when a production engineer recommends (based on cost or manufacturability consideration) that paper capacitors be employed instead of ceramic capacitors, the reliability engineer will need to reevaluate the design”}.

As for claim 3, THACKSTON discloses the method of claim 1 further comprising the step of:

notifying all authorized individuals of a change in at least one of the collaboration center purpose, deadline, plan and input {Column 32-35, wherein this reads over “the mechanical engineer will need to determine if packaging limits are exceeded and the accounting specialists will need to determine if “design to cost” parameters are exceeded”}.

As for claim 4, THACKSTON discloses the method of claim 1 further comprising the step of:

accepting votes of authorized individuals for an element of the collaboration {Column 2, Lines 44-46, wherein this reads over “designs are considered and discarded, new designs are evaluated and so forth”}. It appears this step is also referring to the step of accepting of authorized individuals.

As for claim 5, THACKSTON discloses the method of claim 1 further comprising the step of:

Art Unit: 3629

maintaining and displaying the status of each collaboration {Column 4, Lines 17-21, wherein this reads over “central server whereby said fabricator capability data is substantially maintained by the fabricators so as to incentives them to participate in the so-called manufacture’s registry because it provides them a capability management system”}. It appears that this step performs through the central server.

As for claim 6, THACKSTON discloses the method of claim 1 further comprising the steps of:

providing the collaboration center with the capability of receiving documents attached to user responses {Column 4, Lines 23-25, wherein this reads over “a searchable manufacture’s registry further supporting the collection of quality data based on fabricator performance”}.

As for claim 7, THACKSTON discloses the method of claim 1 further comprising the step of:

establishing a plan to meet the purpose {Column 4, Lines 25-27, wherein this reads over “the quality assurance data being provided to the fabricator and to future prime contractors considering that fabrication”}.

As for claim 8, THACKSTON discloses the method of claim 1 further comprising the steps of:

establishing a plurality of information modules to control at least one of project planning, establishing and tracking project tasks, allowing access to documents and information in any module, providing issue resolution, reviewing project progress, tracking project finances, scheduling and attending meetings, requesting information,

Art Unit: 3629

reporting project data, controlling changes to prospect documents and archiving project data {Columns 3-4, Lines 65-67 and Line 1, wherein this reads over “a network-based system whereby a central server maintains engineering data, such as a design documents and three dimensional model data, is in a common, neutral format, which is accessible by authorized team members”}.

As for claim 9, THACKSTON discloses the method of claim 8 further comprising the step of:

using electronic mail interaction between authorized individuals and the information modules {Column 4, Lines 5-7, wherein this reads over “central server to support a secure multimedia communication capability to include audio, video and graphics”}.

As for claim 10, THACKSTON discloses the method of claim 8 further comprising the step of:

linking each of the information modules for data interchange between each module {Column 4, Lines 8-10, wherein this reads over “communicate and collaborate in the virtual engineering environment to discuss a design”}.

As for claim 11, THACKSTON discloses the method of claim 8 wherein the step of allowing access to documents and information in any module comprises the step of:

assigning status states to each of the documents {Column 4, Lines 1-2, wherein this reads over “accessibility by authorized team members through a graphical user interface”}.

As for claim 12, THACKSTON discloses the method of claim 8 wherein the step of requesting information further comprises the step of:

specifying the name of request recipients for defined organization categories {Column 4, Lines 59-62, wherein this reads over "an integrated product data management (PDM) capability manages access to controlled data and maintains a record of various manifestations"}.

As for claim 13, THACKSTON discloses the method of claim 8 wherein the step of requesting information further comprises the steps of:

issuing a request for information {Column 5, Lines 59-61, wherein this reads over "a request for quote (RFQ) or request for proposal (RFP) with design data is submitted to the system"};

designating a designated recipient for the request for information {Column 5, Line 61, wherein this reads over "fabricators can submit proposals"};

providing the designated recipient with the capability of one of replying directly to the request for information, delegating the request for information to a designated delegate with the capability for the designated delegate to respond directly to the request for information {Column 5, Lines 61-64, wherein this reads over "the virtual computer aided design (CAD) capability allows quasi-real-time discussions, including audio, video and graphics"}; and

providing the designated recipient with the capability of delegating the request for information to a designated delegate and solely receiving a reply from the designated delegate {Column 5, Lines 64-66, wherein this reads over "the graphic capability allows

a prime contractor and prospective fabricator to view the three-dimensional part design"}.

As for claim 14, THACKSTON discloses the method of claim 8 wherein the step of reviewing project progress further comprises the steps of:

issuing a request for project data review {Column 2, Lines 26-28, wherein this reads over "when the production engineer recommends (based on cost or manufacturing considerations) that paper capacitors be employed instead of ceramic"};

designating a plurality of designated recipients for the review request {Column 2, Lines 28-29, wherein this reads over "the reliability engineer will need to reevaluate the design"}; and

providing for a reply from the plurality of designated review requests by one of in parallel from each designated review recipient and in series from all of the designated recipients {Column 2, Lines 44-46, wherein this reads over "designs are considered and discarded, new designs are evaluated and so forth"}.

As for claim 15, THACKSTON discloses the method of claim 1 further comprising the step of:

allowing each authorized individual to establish a personal preference for receiving notifications of at least one of input and changes in one of project documents, project tasks, project issues, change requirements, review requests, finance changes, request for information, open collaborations, schedule meetings, and project plans {Column 2, Lines 39-41, wherein this reads over "manufacturing specialists are consulted from the beginning, rather than simply at the end"}.

As for claim 16, THACKSTON discloses the method of claim 15 wherein the step of selecting how to receive notifications comprises the step of:

electing one of receiving notifications by electronic mail, with or without attached documents, and the form of the electronic mail {Column 46, Lines 18-19, wherein this reads over "according to step 5100, the report may be then transmitted to the designer"}.

As for claim 17, THACKSTON discloses the method of claim 15 further comprising the step of:

sending the notifications to each authorized individual by electronic mail {Column 24, Lines 33-33, wherein this reads over "the multimedia communications capability may be used by design team members when developing and evaluating a design"}. It appears that the multimedia communications capability also performs the function of sending the notifications to each authorized individual by electronic mail.

As for claim 18, THACKSTON discloses an interactive computer method for monitoring a project, the method comprising the steps of:

establishing a plurality of information modules to control at least one of project planning, establishing and tracking project tasks, allowing access to documents and information in any module, providing issue resolution, reviewing project progress, tracking project finances, scheduling and attending meetings, requesting information, reporting project data, controlling changes to prospect documents, establishing a collaboration center for planning and resolving a collaboration purposes, and archiving project data {See Fig. 6, Element 394}.

As for claim 19, THACKSTON discloses the method of claim 18 further comprising the step of:

using electronic mail interaction between authorized individuals and the information modules {See Fig. 4, Element 410}.

As for claim 20, THACKSTON discloses the method of claim 18 further comprising the step of:

allowing each authorized individual to establish a personal preference for receiving notifications of at least one of input and changes in one of project documents, project tasks, project issues, change requirements, review requests, finance changes, request for information, open collaborations, schedule meetings, and project plans {See Fig. 11, Element 1108}.

As for claim 21, which has the same limitation as in claim 16, therefore, it is rejected for the similar reason set forth in claim 16.

As for claim 22, which has the same limitation as in claim 17, therefore, it is rejected for the similar reason set forth in claim 17.

As for claim 23, which has the same limitation as in claim 2, therefore, it is rejected for the similar reason set forth in claim 2.

As for claim 24, which has the same limitation as in claim 3, therefore, it is rejected for the similar reason set forth in claim 3.

As for claim 25, which has the same limitation as in claim 4, therefore, it is rejected for the similar reason set forth in claim 4.

As for claim 26, which has the same limitation as in claim 5, therefore, it is rejected for the similar reason set forth in claim 5.

As for claim 27, which has the same limitation as in claim 6, therefore, it is rejected for the similar reason set forth in claim 6.

As for claim 28, which has the same limitation as in claim 10, therefore, it is rejected for the similar reason set forth in claim 10.

As for claim 29, which has the same limitation as in claims 10 and 11, respectively, therefore, it is rejected for the similar reason set forth in claims 10 and 11, respectively.

As for claim 30, which has the same limitation as in claim 12, therefore, it is rejected for the similar reason set forth in claim 12.

As for claim 31, which has the same limitation as in claim 13, therefore, it is rejected for the similar reason set forth in claim 13.

As for claim 32, which has the same limitation as in claim 14, therefore, it is rejected for the similar reason set forth in claim 14.

As for claim 33, which has the same limitation as in claim 20, therefore, it is rejected for the similar reason set forth in claim 20.

As for claim 34, which has the same limitation as in claim 8, therefore, it is rejected for the similar reason set forth in claim 8.

As for claim 35, which has the same limitation as in claim 9, therefore, it is rejected for the similar reason set forth in claim 9.

As for claim 36, THACKSTON discloses an interactive computer apparatus for monitoring the progress of a project, the apparatus comprising:

a computer network with operating software allowing access to project data by authorized individuals using the computer network {Column 3, Lines 65-67, wherein this reads over "a network-based system whereby a central server maintains engineering data, such as design documents and three dimensional model data"};

means for defining authorized individuals who are authorized to access 6 the project on the network {Column 4, Lines 1-2, wherein this reads over "accessible by authorized team members through a graphical user interface that is substantially a platform"};

means for creating a collaboration center {Column 2, Lines 10-13, wherein this reads over "there will be mechanical engineers, electrical engineers, RF engineers, acoustic specialists, reliability engineers, safety engineers, signal processing specialists, production engineers an so on"};

means for allowing access to the collaboration center by authorized individuals {Column 2, Lines 14-16, wherein this reads over "each of these teams will evaluate the design (three dimensional model and associated specifications) to determine conformance with requirements"};

means for defining one of a collaboration purpose and deadline {Column 2, lines 17-21, wherein this reads over "teams will recommend changes to the design to rectify deficiencies or improve performance. The design will evolve (as depicted in FIG. 1,

Art Unit: 3629

from Design 1, Design 2, and so on to final Design n) as changes are recommended and implemented”);

means for establishing a plan to meet the collaboration purpose {Column 4, Lines 46-47, wherein this reads over “the development and evaluation of an engineering design”};; and

means for accepting inputs from authorized users to one of the collaboration purpose, plan and deadline, over the computer network {Column 2, Lines 17-18, wherein this reads over “teams will recommended changes to the design to rectify deficiencies or improve performance”}.

As for claim 37, THACKSTON discloses the computer apparatus of claim 36 further comprising:

the operating software is contained in a central processor accessible by each of a plurality of individual nodes {Column 1, Lines 44-45, wherein this reads over “drawings created using Computer Aided Design (CAD) software”}.

As for claim 38, THACKSTON discloses the computer apparatus of claim 37 wherein each of the nodes communicates with the central processor via a computer network {Column 9, Lines 25-26, wherein this reads over “Network 260 may comprise any network that allows communication amongst the components”}.

As for claim 39, THACKSTON discloses the computer apparatus of claim 37 wherein the computer network uses Internet communication protocol for data communication between the nodes and the central processor {Column 9, Lines 27-29,

Art Unit: 3629

wherein this reads over “future network technologies, such as the existing “Internet”, “World Wide Web”, Wide Area Network (WAN), Local Area Network (LAN)”;

As for claim 40, THACKSTON discloses an interactive computer apparatus for monitoring the progress of a project, the apparatus comprising:

a computer network with operating software allowing access to project data by authorized individuals using the computer network {Column 3, Lines 65-67, wherein this reads over “a network-based system whereby a central server maintains engineering data, such as design documents and three dimensional model data”};

means for defining authorized individuals who are authorized to access the project on the network {Column 4, Lines 1-2, wherein this reads over “accessible by authorized team members through a graphical user interface that is substantially a platform”};

means for planning the project {Column 4, Lines 46-47, wherein this reads over “the development and evaluation of an engineering design”};

means for establishing and tracking project tasks {Column 4, Lines 53-55, wherein this reads over “a baseline design is created and maintained in a neutral or common format by the central server”};

means for allowing access to project documents and information {Column 4, Lines 58—59, wherein this reads over “specification data is accessible by other team members in order to perform various analysis and simulations”};

means for providing issue resolutions {Column 4, Lines 62-65, wherein this reads over “a current baseline design is maintained so that engineering analysis and simulation team members perform their analysis on the corrected design”};

means for reviewing project progress {Column 4, Lines 66-67, wherein this reads over “team members can discuss design issues in the virtual environment”};

means for tracking project finances {Column 6, Lines 11-13, wherein this reads over “virtual environment that reduces transactions costs and meets engineering challenges as it transcends geographic, business and format boundaries”};

means for scheduling and attending meetings between authorized individuals {Column 4, Lines 8-10, wherein this reads over “multimedia communications capability to include audio, video and graphics, so that participants in an engineering effort can communicate and collaborate in the virtual engineering environment to discuss a design”};

means for requesting information {Column 5, Lines 59-61, wherein this reads over “a request for quote (RFQ) or request for proposal (RFP) with design data is submitted to the system”};

means for reporting project data {Column 1, Lines 28-29, wherein this reads over “specification data are provided by a central server”};

means for controlling changes to project documents and information {Column 4, Lines 59-62, wherein this reads over “an integrated product data management (PDM) capability manages access to controlled data and maintains a record of the various manifestations of the design”}; and

means for archiving project data {Column 6, Lines 50-53, wherein this reads over "the data stored by the system could be stored at a single location or amongst multiple locations in a so-called hybrid relational object oriented database architecture"}.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

I. U.S. Patent:

- 1) U.S. Patent No. 6,766,205 (WILLIAMS ET AL.) is cited to teach network based optimization tools,
- 2) U.S. Patent No. 6,809,749 (CHEN ET AL.) is cited to teach interactive design conference over the Internet, and
- 3) U.S. Patent No. 6,684,212 (DAY ET AL) is cited to teach a system and method for data sharing between members of diverse organizations.

II. Non-Patent Literature:

- 1) Manuel Castells, "Toward a Sociology of the Network Society", September 2000, Contemporary Sociology, University of California, Berkeley, Page 693.

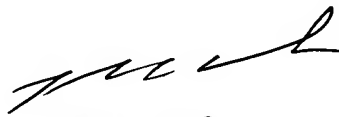
Art Unit: 3629

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cang (James) G. Thai whose telephone number is (703) 305-0553. The examiner can normally be reached on 6:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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2/2/05


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SUPERVISORY PATENT EXAMINER
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